

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ANDREW YOUNG,

Plaintiff,

v.

JAMES A. KAKU, *et al.*,

Defendants.

2:07-cv-00484-GMN-LRL

O R D E R

Before the court is plaintiff's Motion for Reconsideration of a Prior Order, Denying Plaintiff's Request to Release Evidence From the State Court (#84). Though styled as a motion for reconsideration, the court treats plaintiff's motion as a new Request to Release Evidence from the State Court. The court denied without prejudice plaintiff's Motion To Order Release of Evidence by the Eighth Judicial Court in Case #C213930 (#77). Order (#80). Defendants have not filed a response.

On January 31, 2008, pro se plaintiff, Andrew Young ("Young"), filed the present § 1983 lawsuit against defendant and his brother for alleged injuries resulting from a physical confrontation that took place on June 18, 2005. Through his Motion to Order Release of Evidence (#77), Young asked the court to issue an order directing the Eighth Judicial District Court to copy the State's exhibits in a criminal case against Young and send the exhibits to this court for filing as Young's evidence in the instant civil action. The State's exhibits in that case included videotapes that were entered as State's exhibits 1, 2, and 3 ("the videotapes"). Mot. (#77) at 1. The court denied the motion without prejudice, explaining, it "requires more information from Young regarding the videotapes before it will consider issuing an order to release the evidence." Order (#80) at 2.

In the instant Request (#84), Young asserts that the videotapes "will display irrefutable proof

1 that the defendants James, and Darrel Kaku, did without any true basis of provocation... [Sic.] over-
2 react, violently toward Plaintiff, based on long standing racial profiling, and deliberate indifference...
3 and for no other visible reason.” Mot. (#84) at 2. Young further states that the videotapes “depicts each
4 of the Kaku, brothers selectively assault Young, because he is african-american There actions were
5 profligated and meritless, neither James, nor Darrel... at that point in time had a single shred of proof
6 that Plaintiff, had committed any form of illicit, or illegal activity. [Sic.]” *Id.* Evidence of this type may
7 be relevant to substantiate Young’s claims.

8 Accordingly, and for good cause shown,

9 IT IS ORDERED that plaintiff’s Request to Release Evidence From the State Court (#84) is
10 granted as follows:

11 1. The Clerk of Court for the District of Nevada shall mail a copy of this order to the Clerk of
12 Court for the Eighth Judicial District Court;

13 2. The Clerk of Court for the State of Nevada Eighth Judicial District Court shall make copies
14 of the videotapes entered as state’s exhibits 1, 2, and 3 in the criminal case, *State of Nevada v. Andrew*
15 *Young*, Case No. C213930, and make the copies available to the United States District Court for the
16 District of Nevada;

17 3. The Clerk of Court for the Eighth Judicial District Court shall notify the Clerk of Court for
18 the District of Nevada when and if the videotapes have been copied and are available;

19 4. The Clerk of Court for the District of Nevada shall notify the undersigned when the
20 videotapes are available. The court will make arrangements to obtain the copies.

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1 5. The undersigned shall conduct an *in camera* review of the videotapes to determine whether
2 the events depicted on the videotapes are relevant to the instant action.

3 DATED this 18th day of October, 2010.

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6 **LAWRENCE R. LEAVITT**
7 **UNITED STATES MAGISTRATE JUDGE**
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